

**DRAFT**  
**Washington State Board of Health**  
**Policy & Procedure**

<b>Policy Number:</b>	<b>2005-001</b>
<b>Subject:</b>	<b>Responding to Petitions for Rule Making</b>
<b>Approved Date:</b>	<b>November 9, 2005 (tentative)</b>

**Background and Purpose**

Any person may petition a state agency to adopt, repeal, or amend any rule (RCW 34.05.030). Agencies have 60 days to respond. The agency can deny the request—explaining its reasons and, if appropriate, describing alternative steps it is prepared to take—or it must initiate rule making. If denied, a petitioner can appeal the agency’s decision to the Governor.

The purpose of this policy is to define who must be notified and consulted when the Board is petitioned, who may respond on behalf of the Board, and whether Board action is required.

**Policies**

- 1) **Notification:** The Executive Director will assure that Board members are notified when a petition for rule making has been received. This can be done by mentioning the petition during the next regularly scheduled Board meeting and by including a copy of the petition with materials distributed to Board members in attendance. If no meeting is scheduled before the 60-day response deadline, the Executive Director will instead send an e-mail to Board members with an electronic version of the letter attached.
- 2) **Consultation:** The Executive Director will recommend a response to the Chair. In developing this recommendation, she or he will consult with the Board member who sponsored the most recent revisions to the rule being challenged. If no such Board member can be identified, she or he will consult with the chair of the appropriate Board policy committee. She or he will also consult with appropriate representative(s) of the implementing agency or agencies, and may consult with stakeholders as appropriate.
- 3) **Authority of the Chair:** The Chair may respond to a rule making petition—by denying the petition in writing or by directing the Executive Director to initiate rule making—without formal action by the Board. Alternatively, the Chair may, at her or his discretion and as time permits, put the request before the full Board for discussion and possible action.
- 4) **Action by the Board:** A Board member who has been notified of a petition may request that the Chair place the petition on the agenda of a Board meeting for discussion and possible action by the Board. The Chair will honor the request unless asking the full Board to consider the petition would defer more pressing matters or prevent the Board from responding within 60 days. If the Chair declines, a Board member may introduce a motion to have the full Board consider the petition.